MR. E. G. SALTER : I second the motion.

The amendment was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : In Clause 2 for the words "that day" the words "the date of commencement of this Act" shall be substituted.

MR. E. G. SALTER : I second the motion.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I move that the Travancore Evidence Bill as amended be passed.

MR. E. G. SALTER : I second it.

The motion was put and carried.

The Bill, as amended, was passed.

THE TRAVANCORE PENAL CODE (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Penal Code Amendment Bill and beg to move that the Bill as revised be taken into consideration.

MR. E. G. SALTER ; I second it.

The motion was carried.

Clauses 1 to 18,
Title and Preamble.

The question that Clauses 1 to 18 and the title and the preamble do stand part of the bill was put and carried.

Clauses 1 to 18, the title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, before moving for the third reading of the Bill, I beg to move that in clause 1 sub-clause (1) the figure "7" shall be substituted for the figure "6".

MR. E. G. SALTER : I second it.

The amendment was carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Travancore Penal Code (Amendment) Bill as amended be passed.

MR. E. G. SALTER : I second it.

The motion was put and carried.

The Bill, as amended, was passed.

THE TRAVANCORE CRIMINAL PROCEDURE CODE BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Criminal Procedure Code Bill and beg to move that the Bill as revised to the Select Committee be taken into consideration.

MR. E. G. SALTER : I second it.

The motion was put and carried.

Clauses 1 to 105.

The question that clauses 1 to 105 do stand part of the Bill was put and carried.

Clauses 1 to 105 were added to the Bill.

Clause 106.

MR. C. JEBAMONY NADAR : Sir, I move that in lines 2 and 3, the words "specially empowered by Our Government in this behalf." be omitted. This clause corresponds to Section 93 of the present Code. The present Code was passed in 1068. Till this time no occasion arose to amend the present Code so as to limit the powers of a Magistrate of the

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[Mr. C. Jebamony Nadar]

First Class in taking cognisance of matters under Section 93. It is true that such a clause is found in the British Indian Code. But so far as our State is concerned, till now there has been no complaint that our First Class Magistrates have misused their powers. Therefore I do not see why this section should introduce a limitation. With these observations, I move the amendment.

MR. P. S. MUHAMED : I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I oppose the amendment. It is no doubt true that from 1068, the power to try persons under Section 93 of the Criminal Procedure Code was enjoyed by all the First Class Magistrates. But the honourable member will find that various classes of First Class Magistrates have since been brought into existence and the new Bill has enlarged the ordinary powers that are exercisable by all First Class Magistrates. The power to take cognisance of cases upon information or upon suspicion or upon reports or complaints is conferred by the Code on all First Class Magistrates. The procedure prescribed in clause 106 is to try summarily and demand security from habitual offenders. It is considered advisable that this power should be exercised only by such First Class Magistrates as are empowered by Government to do so. This has been deliberately put in. At present there are Tahsildar First Class Magistrates and Honorary First Class Magistrates. Expediency demands that this power should be exercised by Magistrates specially empowered.

MR. C. JEBAMONY NADAR : I beg to leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

The question that clause 106 do stand part of the bill was put and carried.

Clause 106 was added to the Bill.

Clauses 107 to 273.

The question that clauses 107 to 273 do stand part of the Bill was put and carried.

Clauses 107 to 273 were added to the Bill

Clause 274.

MR. C. JEBAMONY NADAR : Sir, I move the following amendment:

Add as Section 274 A., the following :—

"The judge shall then pronounce judgment. If the accused is acquitted the judge shall record judgment of acquittal. If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of Section 471, pass sentence on him according to law."

In the chapter on the trial of cases by Sessions Judges, there is no section authorising them to pronounce judgment. I find that such power is given to Magistrates, in the chapters relating to trial of Warrant cases, Summons cases and Summary cases. Thus the present Bill is defective on an important matter. Perhaps this is due to an oversight to incorporate Section 306 of the British Indian Code which occurs after the section dealing with Jury. Our Bill does not adopt the trial by Jury and so omits those sections. In doing so it has also omitted the section empowering the Sessions Judge to pronounce Judgment. So, as the Bill stands at present, the Sessions Judge will not be authorised to pronounce judgment. That is a serious defect in our present Bill. To rectify that, I move this amendment.

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MR. PUTHUPALLI S. KRISHNA PILLAI: I have not found any such difficulty in any of the reported cases.

PRESIDENT: I wish to seek the opinion of the honourable members on another matter. We shall probably finish all the official business in another half an hour or three quarters of an hour. Therefore there will be no legislative business for tomorrow. I am asking for the guidance of the honourable members whether they would have non-official business tomorrow instead of on Wednesday or they would prefer to have non-official business on Wednesday.

MR. M. SIVATHANU PILLAI: Tomorrow.

MR. KAINIKKARA M. PADMANABHA PILLAI: Tomorrow.

PRESIDENT: The non-official business will be taken up tomorrow. The House rose for lunch at 1 p. m. and re-assembled at 2 p. m.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the matter is really covered by Chapter XXVI of the Bill and in fact it contains a comprehensive provision dealing with judgments delivered by Magistrates and courts.

Clause 302 (1) reads thus :—

302. (1) The Judgment in every trial in any criminal court of original Mode of delivering Judgment jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(*a*) in open court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(*b*) in the language of the court, or in some other language which the accused or his pleader understands :

Provided that the whole judgment shall be read out by the presiding officer of the court, if he is requested so to do either by the prosecution or the defence.

That is in the chapter which deals with judgments.

Then the wording of the proposed amendment itself is inappropriate. Of course I very much appreciate the point raised by Mr. Jebamony Nadar that some express provision may be made in Chapter XXIII for the purpose.

While thanking Mr. Nadar for pointing out an apparent lacuna in the Bill, I would point out that the clause may have to be redrafted.

PRESIDENT: The matter could be made easy if his amendment is incorporated at the end of the clause. The words "thereafter the Judge shall proceed to announce the judgment" or something to that effect may be added and that ought to be good enough for this reason. After all some of the other words are really unnecessary because the acquittal will be separately dealt with and conviction also will be separately dealt with.

MR. C. JEBAMONY NADAR: Section 306 of the British Indian Code reads thus :—

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall unless he proceeds in accordance with the provisions of Section 562 pass sentence on him according to law."

PRESIDENT: It is easy to adopt that provision.

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, Sir. We will adopt the existing provision in clause 274 as sub-clause (1) of that clause and adopt the portions just now read out by Mr. Jebamony Nadar as sub-clause (2) thereof.

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[Mr. Puthupally S. Krishna Pillai]

Thereupon the following motion was made :—

In clause 274, and the following as Sub-clause (2) after numbering the existing clause as sub-clause (1) of that clause :—

"The judge shall pronounce the judgment. If the accused is acquitted the judge shall record judgment of acquittal. If the accused is convicted the judge shall, unless he proceeds in accordance with the provisions of Sections 471, pass sentence on him according to law."

The motion was put and carried.

The question that clause 274, as amended, do stand part of the Bill was put and carried.

The clause, as amended, was added to the Bill.

Clauses 275-475 and Schedules.

The question that clauses 274 to 475 and the schedules do stand part of the Bill was next put and carried.

Clauses 275-475 and the schedules were added to the Bill.

TITLE AND PREAMBLE.

The question that the title and the preamble do stand part of the Bill was put and carried.

The title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI : Before I move for the third reading of the Bill I beg to submit that I may be permitted to move the following amendment :—

In clause 1 sub clause (1) after the words "Code of Criminal Procedure," the figures "1117" shall be inserted.

MR. R. RAMA VARIER : I second it.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Bill to consolidate and amend the law relating to Criminal Procedure, be passed.

MR. R. RAMA VARIER : I second the motion.

The question that the Bill the passed was put and carried.

The Bill was passed.

PRESIDENT : I must congratulate the honourable House and the Legal Remembrancer on having passed with great expedition some of the heaviest pieces of legislation.

MR. N. RAMAKRISHNA PILLAI : Sir, I wish to say a few words on the legislative work of this House during the last two or three years. The amount of legislative work done during this short period has been immense. As many as sixty-two legislative enactments have been passed and placed on the statute book during this year and in 1115 alone. It seems to me that the amount of legislative work done during the period will far outweigh the entire output of legislative activity in the past. But it is not merely by the quantity of the work that has been done that this period of intense legislative activity is to be tested. There is no field of human activity which has not been attempted to be controlled by means of legislation within this period ; and the beneficent results sought to be achieved by these measures have been as important in their scope as in their extent.

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During the last two or three years, the task of codifying the whole commercial law has been accomplished. Commercial law till then was only a part of the Common Law of the country. Besides repealing and re-enacting the law relating to companies, important legislative measures like the Contract Act, Sale of Goods Act, Partnership Act, the Specific Relief Act, the Arbitration Act, the Negotiable Instruments (Amendment) Act, the Bankers Books Evidence Act, the Patents and Designs Act and the Insurance Act, have also been passed and placed on the statute book.

Except the Factories Act, V of 1089, which was repealed and re-enacted as Act VIII of 1114, there was no legislation affecting labour in this country till now. The Workmen's Compensation Act, (Act XIII of 1114), the Trade Disputes Act (Act V of 1114), the Payment of Wages Act (Act XX of 1116), and other enactments testify to the great interest taken by Government in the welfare of the labour community.

Legislative reforms in regard to local self-government have been even more remarkable. The old Municipal Regulation, V of 1095, was completely repealed and in its place two most important enactments have been passed. These are the City Municipal Act, IV of 1116, and the District Municipalities Act, XXIII of 1116. The Travancore Village Unions Act, IX of 1115, is another important enactment intended to foster and encourage rural development by constituting Village Unions in the State.

The Debt Relief Act which required so much labour, time and anxious consideration in this House last year was another important measure which was enacted to afford relief to debtors.

Not the least important of the measures that were passed during this time were the Official Secret Act, I of 1115, the Dramatic Performance Act, the Petroleum Act, the Explosive Substances Act, the Press (Emergency Powers) Act, the Rubber Control Act, the Railways Act, the Government Trading Taxation Act, the Telephone Act, the Krishnan vaka Marumakkathyam Act, the Census Act, the Wireless Telegraphy Act, Aircraft Act, Coffee Market Expansion Act, Soldiers Litigation Act, Provident Funds Act, Christian Guardianship Act, Maintenance Orders Enforcement Act, Explosives Act, Kerosene Excise Duty Act, Tyres Excise Duty Act, Child Marriage Restraint Act etc.

Side by side with this legislative work, a steady and persistent endeavour has been made to bring the old enactments up-to-date, to meet the needs of a progressive and enlightened people. The Revenue Summons (Amendment) Act, the Markets (Amendment) Act, the Negotiable Instruments (Amendment) Act, the Registration (Amendment) Act, the Hindu Religious Endowments (Amendment) Act, the Jenmi and Kudiyan (Amendment) Act, the Income Tax (Amendment) Act, the Travancore Arms (Amendment) Act, the Travancore Criminal Law (Amendment) Act, the Reformatory Schools (Amendment) Act,

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[Mr. N Ramakrishna Pillai]

Mechanical Lighters Excise Duty (Amendment) Act, Matches Excise Duty (Amendment) Act, Land Conservancy (Amendment) Act, Revenue Recovery (Amendment) Act etc., have all been passed during this time. Considerable work has been done in this direction and by following a system of periodical amendments, it has now become easy to keep all the enactments in the statute book up-to-date.

Not by any means the least important of the legislative measures that have been introduced in this House are the Travancore Evidence Bill and the Criminal Procedure Code Bill.

Though the rules enacted in the Indian Evidence Act have been generally followed by the courts in Travancore, the strict application of those rules in the trial of cases has always been rendered difficult by the absence of statutory sanction for the rules and the reluctance of the court to enforce the strict letter of the law enacted in this Act. We meet with frequent observations in the reported decisions of the High Court that the Indian Evidence Act is not binding on the courts in Travancore. This enactment is therefore bound to have a beneficent effect on the trial and speedy disposal of cases.

The Criminal Procedure Code in force in Travancore was passed so long ago as 1067. The British Indian Criminal Procedure Code was consolidated and re-enacted in 1898 and has since then been subjected to revision from time to time and notably in 1923 when several important amendments were made in the Act. Though several amendments have been introduced into our Code since 1067, no attempt has till now been made to revise the Code as a whole and to re-enact it in a consolidated form. It required more than two years for a special law officer to revise the Code of Civil Procedure which was introduced and passed in the reformed Legislative Council of 1097. The revision of the Criminal Procedure Code was then considered to be a heavy task as indeed in several particulars there was a wide departure in our law of Criminal Procedure from the British Indian Criminal Procedure Code. The revision of the Criminal Procedure Code required great industry, experience and discrimination, and the profession as well as the public will feel thankful for the revision of the Code which has been accomplished in so short a time.

We do realise and we are grateful that a large and comprehensive scheme of legislation like this which has never been attempted before has been undertaken at the instance of Government. We are thankful to Government for the great work that has been undertaken and accomplished in the sphere of legislation within so short a time. This task would not have been rendered possible but for the initiative and guidance of the Head of the Administration, who is himself a great and distinguished jurist : and great credit is also due to the Legal Remembrancer who has brought great capacity and industry to bear upon the task of drafting and piloting these Bills through the Legislature.

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PRESIDENT : I may also associate myself and I am sure the House will be glad to associate itself with the comprehensive and discriminating commendation that has been bestowed upon the work of the Legal Remembrancer. He was charged with a task of co-ordinating and bringing up-to-date the commercial laws of the State. Without the codification of commercial laws, the difficulties in the way of the subordinate Judiciary in dealing with all the ramification of modern business would have become increasingly difficult. One of the great objects of codification is to see that the uncertainties and delays of law are avoided, as far as possible. We can only remedy the evil up to a point. But it can be remedied. I take this opportunity to place on record the thanks of the Government to the Legislature for the readiness and the patience with which they have discharged the consideration of these important legislative measures and I wish also to place on record my feelings of very great satisfaction in respect of the strenuous and persevering work turned out by the Legal Remembrancer to whom much praise is due.

THE PREVENTION OF CRUELTY TO ANIMALS ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to introduce a Bill to amend the Prevention of Cruelty to Animals Act and move that the Bill be read. Before resuming my seat I may be permitted to add that the attempt is to bring up the existing Act to the level at which it is being worked and enforced elsewhere. Honourable members might have noticed that the Travancore Prevention of Cruelty to Animals Act is based on the corresponding British Indian Act. Recently the British Indian Act was amended. Of course there were earlier amendments to the British Indian Act. But recently some important amendments were made. After going through the Act, Government have been satisfied that similar or at least some of the changes should be introduced here also. Honourable members would notice that in the existing Act, Section 3 is enacted for efficiently dealing with cases of overloading vehicles and over-working the animals. But experience has shown that it is inadequate. Hence it is proposed to be substituted by a new clause. It is also proposed to repeal Section 10 which recognises certain religious rites and usages involving cruelty to animals. This is one step in advance of the law as enacted in British India. At present there is no power reserved with Government for framing appropriate rules. It is therefore proposed to add a new section, 10 (a), empowering Government to frame rules. The absence of this section has been causing very great inconvenience.

I would add that this is a very beneficent and necessary measure and I hope the House would agree with me in so thinking and I believe the House will readily accept the principle contained in the Amendment bill. I move that the bill be read in the House.

DR. C. C. JOHN : I Second it.

The motion was put and carried.

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